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CERTIFICATE OF MAILING

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Donna L. Hengst



Donna L. Hengst

PATENT

Attorney Docket No. 12636-264

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): Joseph Rubinfeld)	Art Unit: Unassigned
)	
Application No.: 10/074,575)	Examiner: Unassigned
)	
Filed: February 11, 2002)	
)	
Title Combination Therapy Including 9-Nitro-20(S)-)	
And 5-Fluorouracil)	

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, can be found in priority Application No. 09/709,967, filed November 10, 2000, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

C.F.R. 1.98(d)

A copy of any patent publication other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified and relied upon for an earlier filing dated under 35 U.S.C. 120.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- (2) It is being filed within 3 months of entry of a national stage
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- a certification as specified in §1.97(e) is provided below; or
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of 0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 12636-264).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: May 13. 2002

By: Shirley Chen
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INFORMATION DISCLOSURE CITATION PTO-1449 JUN 04 2002 PATENTS & TRADEMARKS U.S. GOVERNMENT PRINTING OFFICE 1999 50-130-001		ATTY. DOCKET NO. 12636-264	SERIAL NO. 10/074,575			
		APPLICANT Joseph Rubinfeld				
		FILING DATE 02/11/02	GROUP Unassigned			
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,786,344	07/28/98	Ratain et al.	514	100	
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
						<input type="checkbox"/> <input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	Bernacki, Ralph J. et al., "In Vitro Antitumour Activity of 9-Nitro-Camptothecin as a Single Agent and in Combination with other Antitumor Drugs", Department of Pharmacology and Therapeutics, Roswell Park Cancer Institute, Buffalo, New York, AAN, N.Y. ACAD. SCI., vol. 922, 2000, pp. 293-297					
	Karaberis, E. and D. Mourelatos, "Enhanced Cytogenetic and Antitumor Effects by 9-Nitrocampotethacin and Antineoplastics", Laboratory of Biology and Genetics, Medical School, Aristotle University, Thessaloniki, Greece, TERATOGENESIS CARCINOGENESIS AND MUTAGENESIS, vol. 20, no. 3, 2000, pp. 141-146					
	Dainiak, Nicholas et al., "DNA Topoisomerase Inhibitors Block Erythropoiesis and Delay Hemoglobinization In Vitro", JOURNAL OF CELLULAR PHYSIOLOGY, vol. 138, no. 1, 1989, pp. 87-96					
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	Kaufmann, Scott H. "Antagonism between Camptothecin and Topoisomerase II-directed Chemotherapeutic Agents in a Human Leukemia Cell Line", CANCER RESEARCH, vol. 51, no. 4, 1991, pp. 1129-1136					
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	Ciesielski, M.J. et al., "Synergistic cytotoxicity, apoptosis and protein-linked DNA breakage by etoposide and camptothecin in human U87 glioma cells: dependence on tyrosine phosphorylation" JOURNAL OF NEURO-ONCOLOGY, 1999, 41/3, pp. 223-234					
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EXAMINER		DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.